

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Wren Best

Cr.: 05-0027-01
PACTS Number: 39969

Name of Sentencing Judicial Officer: Stanley R. Chesler, USDJ

Date of Original Sentence: 01-23-06

Original Offense: Conspiracy to Commit Identity Theft

Original Sentence: 18 months imprisonment; 3 years TSR

Type of Supervision: Supervised Release

Date Supervision Commenced: 06-15-07

PETITIONING THE COURT


- ☐ To extend the term of supervision for _____ Years, for a total term of _____ Years.
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall reside for a period of 4 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

CAUSE

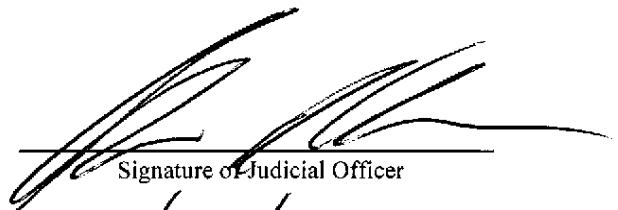
On July 3, 2009, the offender was arrested by officers from the New York Police Department (NYPD) and charged with being in possession of an open alcoholic container in public, in front of 559 East 34th Street in Brooklyn, New York. Mr. Best was arraigned in Kings County Criminal Court on July 4, 2009, and the Assistant District Attorney declined to prosecute the case. Furthermore, the offender has exhibit poor attendance in drug treatment and has failed to pay restitution.

Respectfully submitted,


By: Luis R Gonzalez TCM
Senior U.S. Probation Officer
Date: 08-19-09

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other


Signature of Judicial Officer
8/31/09
Date

PROB 49
(NYEP-07/17/06)

United States District Court
DISTRICT OF NEW JERSEY

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, " I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

For a period of 120 days, the defendant shall reside in a Residential Re-Entry Center (RRC) approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.

Witness:



U.S. Probation Officer

Signed:



Probationer or Supervised Releasee

7/10/09

Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER
THOMAS C. MILLER

August 19, 2009

SUPERVISION UNIT
20 WASHINGTON PLACE
6TH FLOOR
NEWARK, NJ 07102-3172
(973) 645-6161
FAX: (973) 645-2155

www.njp.uscourts.gov

Honorable Stanley R. Chesler, U.S. District Judge
U.S. Post Office and U.S. Courthouse
P.O. Box 999
Newark, New Jersey 07101-9971

RE: Best, Wren
Dkt. No. 05-CR-27-001

Notification of Arrest/Request for Modifications
of Supervision Conditions

Dear Judge Chesler:

On January 23, 2006, Your Honor sentenced Wren Best for Conspiracy to Commit Identity Theft, in violation of 18 U.S.C. § 371 to 18 months imprisonment; three (3) years supervised release; restitution in the amount of \$70,000; and a \$100 special assessment. Special condition included: drug treatment and/or urinalysis, financial disclosure, and no new lines of credit. On June 15, 2007, the offender was released from the Bureau of Prisons to the Eastern District of New York. His term of supervision expires on June 14, 2010. The U.S. Probation Office for the Eastern District of New York has asked us to notify the Court that Wren Best has signed a consent to modify his conditions of supervision to include placement for 120 days in a Residential Re-Entry Center. The modification request is based upon the following:

On March 18, 2009, the offender was enrolled at Counseling Service of Eastern District of New York, an outpatient drug treatment program, for his continued use of marijuana. He missed treatment sessions on March 31, April 16, April 21, June 11, June 25, and June 30, 2009. In regards to his restitution payments, on January 29, 2008, the offender's conditions were modified by Your Honor to include monthly restitution payments of \$100. To date Mr. Best has paid a total of \$550 towards his financial obligation and currently is in arrears by \$1,150. Furthermore, on July 3, 2009, the offender was arrested by officers from the New York Police Department (NYPD) and charged with being in possession of an open alcoholic container (a general violation of local law). According to the arrest report, the offender was observed at 11:24 pm in front of 559 East 34th Street in Brooklyn, New York, in possession of a 12 ounce Heineken bottle in public. Mr. Best was asked by the officers to provide identification and it revealed he had an active warrant on a previous case (Docket #2005-SK071536). The offender was arrested on the outstanding warrant. On July 4, 2009, the offender was arraigned in Kings County Criminal Court and the Assistant District Attorney declined to prosecute the arrest.

On July 10, 2009, during an office contact, the offender was confronted on his poor adjustment with his conditions of supervised release. Specifically, his poor attendance in drug treatment and his failure to pay restitution. He continues to reside in the basement apartment of his mother's residence, and is seeking full-time, verifiable employment. He was referred to the Eastern District of New York in-house employment group, however, was discharged unsuccessfully due to poor attendance. He will be referred to other

Best, Wren

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employment services.

At this time, the supervising probation officer in the Eastern District of New York is requesting that in lieu of violation proceedings, that Your Honor modify his conditions of supervised release to include 120 days placement in a Residential Re-Entry Center. The proposed modification will enable the probation officer to monitor the offender's activities more closely and effectively. A Probation Form 49, *Waiver of Hearing to Modify Conditions of Supervised Release*, signed by Mr. Best is also enclosed.

We will make ourselves available should the Court wish to discuss this matter. The undersigned officer may be contacted at (973) 645-4738.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

A handwritten signature in black ink, appearing to read "L R Gonzalez TCM". The signature is stylized with large, flowing letters.

By: Luis R. González
Sr. U.S. Probation Officer

Enclosures